

## **REMARKS**

Reconsideration of the captioned application is respectfully requested.

This Amendment is being filed with a request for a one month extension of time, an information disclosure statement, as well as a Request for Continued Examination ("RCE") in lieu of filing an appeal brief in response to the Notice of Appeal filed on 22 October 2003.

The Office Action rejected claims 18 – 22 and 25 – 37 as being unpatentable under United States Patent No. 6,524,626 to Chen ("Chen"). Claims 1 – 7, 23, and 24 were cancelled. New claims 38 - 45 were added. Support for claims 38 - 35 may be found in the Specification of the parent application as originally filed at, for example, page 3, lines 21 – 25, page 6, lines 16 – 21, page 7, lines 4 – 13, and page 15, lines 3 – 5, as well as in the above-referenced application on, for example, page 4, lines 14 – 18 and 22-25, page 4, line 33 to page 5, line 3, and page 5, line 32 – page 6, line 5, as such these amendments do not introduce new matter into the application. Claims 18 – 22 and 25 - 45 remain pending in this application after entry of this response.

Applicant wishes to point out to the Examiner that, in a continuation application having United States Serial No. 10/218,774 (JBP 594), claims 1, 2, and 13 were rejected under 35 USC §102(b) as being anticipated by United States Patent No. 4,597,885 to Berry, et al. ("Berry"); claims 1 – 5 and 19 were rejected under 35 USC §102(e) as being anticipated by United States Patent

No. 5,891,427 to Mettler ("Mettler"); claims 1- 5, 9 – 11, 19, and 23 – 25 were rejected under 35 USC §103(a) as being unpatentable over Mettler; and claims 6 – 8, 12, 14, and 26 – 30 were objected to as being dependent upon a rejected base claim, but allowable if rewritten in independent form.

Claims 18 – 22 and 25 – 37 stand rejected as being unpatentable under United States Patent No. 6,524,626 to Chen ("Chen"). Applicants disagree for the reasons that follow.

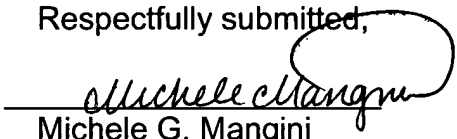
Chen is directed to a ginseng berry extract-containing composition that may additionally contain ingredients such as orange or rose. See Chen, column 4 to column 17. However, Chen neither discloses nor suggests several of the elements of the invention as presently claimed: a) "A method of soothing a mammal"; b) a "personal care composition [that] is capable of reducing the cortisol level of the mammal by about 0.1 to about 75 % and/or increasing the slgA level of the mammal by about 10% to about 150%;" or c) the incorporation of such a personal care composition in "a method of soothing a mammal," let alone recognize the importance of achieving a reduction of "the cortisol level of the mammal by about 0.1 to about 75 % and/or [an increase in] the slgA level of the mammal by about 10% to about 150%" when desiring to soothe a mammal.

In view of the above, Applicants respectfully submit that the rejection of claims 18 – 22 and 25 – 37 as being unpatentable under 35 USC §103 over Chen has been overcome and should be withdrawn.

**Conclusion**

It is submitted that the foregoing amendments and remarks place the case in condition for allowance. A notice to that effect is earnestly solicited.

Respectfully submitted,

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